



VOSH PROGRAM DIRECTIVE: 04-001A

ISSUED: December 1, 1994

SUBJECT: VOSH Discrimination Investigation

A. **Purpose.**

This directive sets forth and implements policy, procedures and other information on the handling of discrimination complaints by the VOSH Discrimination Investigator. Specifically, it deals with the rights of employees afforded under Virginia Code §40.1-51.2:1. The Virginia statute provides protections similar to those of section 11(c) of the federal Occupational Safety and Health Act which prohibits reprisals, in any form, against employees who exercise rights under the federal Act.

This program directive is an internal guideline not a statutory or regulatory rule and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. **Scope.**

This Program Directive applies VOSH-wide and specifically to the VOSH Discrimination Investigator.

C. **Reference.**

OSHA Instruction DIS .4B CH-2 (July 19, 1993)
OSHA Instruction DIS .4B CH-1 (May 21, 1990)
OSHA Instruction DIS .4B (August 29, 1988)
VOSH Administrative Regulations Manual §2.10; (June 30, 1994)
VOSH Field Operations Manual (February 1, 1994)
29 CFR Part 1977

D. **Cancellation.**

VOSH Program Directive 04-001 (April 28, 1986).

E. **Supersedes.**

Chapter XV of the VOSH FOM as of December 1, 1994 for the issue of discrimination complaints.

F. **Action.**

Directors, Compliance Managers and the Investigator shall assure that the policies and procedures established in this Directive are adhered to by VOSH in its discrimination investigations.

G. **Effective Date.**

December 1, 1994

H. **Expiration Date.**

Not Applicable.

I. **Background and Summary.**

This directive consolidates into one document the procedural material previously found in the VOSH FOM with chapters five, six and seven of the federal Section 11(c) Discrimination Investigation Manual and the applicable priorities set out at 29 CFR 1977. These federal chapters cover: Conduct of an Investigation, Investigative Reporting and Merit Determination, and Settlement Negotiation. ***This directive provides the single source for discrimination investigation procedure, merit determination and settlement procedures.***

J. **Revised VOSH Discrimination Investigation Manual.**

The guidance which follows relates to the processing of discrimination or retaliation complaints which allege a violation of Virginia Code §40.1-51.2:1. It is provided to assist the Discrimination Investigator in investigation, reporting, evaluation, and settlement of such complaints.

Theron J. Bell
Commissioner

Attachment: VOSH Investigator's Manual

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1672&p_text_version=FALSE

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1673&p_text_version=FALSE

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